

Attorney's Docket No. 6097.P022

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Examiner: White, Dwayne J.
)
 Ralph Blakemore) Art Group: 3745
)
 Application No.: 09/657,883)
)
 Filed: September 8, 2000)
)
 For: WIND TURBINE RING/SHROUD)
 DRIVE SYSTEM)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF THOMAS S. FERRILL

Sir:

I, Thomas S. Ferrill, hereby declare and say as follows:

1. I am a patent attorney in the law firm of Blakely, Sokoloff, Taylor and Zafman LLP (hereinafter "the law firm") and represent the General Electric Corporation, the assignee of the above-referenced patent application.
2. A Notice of Allowance for the application was received from the Patent and Trademark Office (PTO) mailed on November 21, 2003.
3. The law firm was in the process of obtaining paperwork from the Department of Energy. The paperwork included a confirmatory license and other various paperwork associated with the application, in order to include with the application a statement of the Government's interest.
4. As a result, the law firm filed a Request for Continued Examination (RCE) for the application on the same day the Notice of Allowance was received, November 21, 2003, in order to delay issuance of the application

until the Department of Energy paperwork was received and a corresponding amendment could be filed to include the Government's interest in the application.

5. In May 2004, a Notice of a Non-compliant RCE was mailed from the PTO for failure to submit this Department of Energy paperwork. Also in May 2004, the law firm received the sought after confirmatory license paperwork from the Department of Energy.

6. Attorney Tom Ferrill discussed this notice with Examiner Dwayne White in a telephone conversation. The Examiner stated to attorney Tom Ferrill that a one-month time period existed to respond to the Notice of Non-compliance. The one-month compliance period could be used to avoid abandonment. The Examiner wanted to check with his supervisor that this was the case for our situation. Essentially by the time we had notice of the non-compliance, the application had passed into abandonment. However, the document giving us notice of this defect had a one-month period to come within compliance with it.

7. After a day or two, attorney Tom Ferrill had a second telephonic conversation with the Examiner Dwayne White to confirm that the one-month response period existed even though we were past six months from Nov. 21, 2003. Accordingly, on May 27, 2004 the law firm submitted to the PTO via facsimile a 1.312 amendment incorporating the Government's interest in the application along with the supporting paperwork. This amendment was submitted within the one-month time period set to respond to the Notice of Non-compliance and thereby avoid abandonment. On June 9, 2004 the PTO mailed an Office Communication stating that the 1.312 amendment had been entered.

8. On August 23, 2004, the PTO mailed the Notice of Abandonment, which was received by the law firm on August 26, 2004. Attorney Tom Ferrill discussed the Notice of Abandonment with Examiner Dwayne White

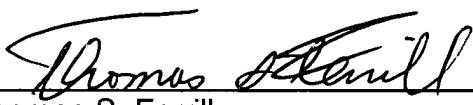
in a telephone conversation. The Examiner stated that the law firm must file a petition to revive the application.

I, Thomas S. Ferrill, hereby declare that all statements made herein are of my own knowledge and are true, and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 11-02, 2004



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(37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

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Date of Deposit

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Date